

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALAN B. MARCUS,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:13-CV-736
	§	
J.C. PENNEY CO., INC., <i>et al.</i>	§	

ERHAN ERDEM,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:13-CV-750
	§	
J.C. PENNEY CO., INC., <i>et al.</i>	§	

SHAWN GILBERT,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:13-CV-810
	§	
J.C. PENNEY CO., INC., <i>et al.</i>	§	

ORDER

Before the Court are the following motions:

- Motion of Heath Clute For Consolidation of the Related Actions, Appointment as Lead Plaintiff and Approval of His Selection of Counsel. Docket No. 16.
- Notice and Opposed Motion of Omar Ahmed for Consolidation of Related Actions, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel and Liaison Counsel. Docket No. 18.
- Movant the Saso Group's Motion for (1) Consolidation of Related Actions; (2) Appointment of Lead Plaintiff; and (3) Appointment of Lead Counsel and Brief in Support of the Motion. Docket No. 21.
- Motion of the J.C. Penney Investor Group [Webb] to Consolidate Related Cases. Docket No. 22.
- Motion of J.C. Penney Investor Group [Webb] to Be Appointed Lead Plaintiff and to Approve Proposed Lead Plaintiff's Choice of Counsel. Docket No. 23.

- JC Penney Investor Group's [Aguilar] Motion and Memorandum of Law in Support of Motion to: (1) Consolidate Related Actions; (2) Appoint JC Penney Investor Group [Aguilar] as Lead Plaintiff; and (3) Approve JC Penney Investor Group's [Aguilar] Choice of Lead Counsel and Local Counsel. Docket No. 24.
- Motion of Aletti Gestielle SGR S.P.A. for Consolidation of Related Actions, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel, and Memorandum in Support Thereof. Docket No. 26.
- Christos Ifantides' Motion for Consolidation of Related Actions, Appointment of Lead Plaintiff and Approval of Selection of Counsel. Docket No. 27.
- Movant National Shopmen Pension Fund's Motion for Consolidation, Appointment as Lead Plaintiff and for Approval of Its Selection of Counsel. Docket No. 29.
- Movant Heath Clute's Motion to Withdraw his Motion to Consolidate Cases, Only as to Lead Plaintiff. Docket No. 33.

The Court hereby sets these motions for a hearing on **January 28, 2014 at 10:00 a.m.** At that time, the Court will also hold a status conference for all cases.

Counsel for the parties are directed to confer in advance of the hearing with respect to all of the agenda items listed below. Each party, including Defendant J.C. Penney Company, Inc., shall be represented at the hearing by counsel prepared to address all matters referred to in this Order, and with authority to enter stipulations and make admissions as to the agenda set herein. Agenda items which the Court will address at the hearing include the following:

1. Consolidation of related cases. Are there any other pending cases with similar questions as to law and fact in other districts?
2. Class certification. How and when will the class be certified? Does the Defendant object?
3. Appointment of lead plaintiff and lead counsel.

4. Other matters any party considers conducive to the just, speedy, and inexpensive determination of this action.

The Court further **ORDERS** the parties' Joint Motion Regarding Defendants' Response to Complaint (Docket No. 42) is **GRANTED**, and a deadline for Defendants to answer will be set at the hearing.

So ORDERED and SIGNED this 30th day of December, 2013.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE